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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware corporation dba BLACKWATER WORLDWIDE,

Plaintiff,

v.

KELLY BROUGHTON, in his capacity as Director of the Development Services Department of the City of San Diego; AFSANEH AHMADI, in her capacity as Chief Building Official of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive,

Defendants.

Case No. 08 CV 0926 H (WMC)

PLAINTIFF'S REQUEST FOR LEAVE TO FILE 17-PAGE REPLY MEMORANDUM

Date: June 17, 2008
Time: 10:00 a.m.
Place: Courtroom of the Honorable Marilyn L. Huff

[Filed concurrently with Plaintiff's Reply to Opposition to Preliminary Injunction; Supplemental Declaration of Brian Bonfiglio; Declaration of Jennifer Chavez]

Plaintiff Blackwater Lodge and Training Center, Inc., dba Blackwater Worldwide ("Blackwater") hereby requests, out of an abundance of caution, that the Court allow it to file a 17–page memorandum in reply to the June 9, 2008 Response to Court's Order to Show Cause Regarding Preliminary Injunction filed by Defendants Kelly Broughton, Afsaneh Ahmadi, the Development Services Department of the City of San Diego, and the City of San Diego (collectively, "Defendants").

On May 27, 2008, Blackwater filed an ex parte application for a temporary restraining order ("TRO") and an order to show cause regarding a preliminary injunction. Defendants filed an opposition to the TRO application on May 29, 2008, and Blackwater filed a brief reply to Defendant's opposition papers.

The Court heard Blackwater's application for a TRO on May 30, 2008 and granted the application on June 4, 2008. In granting the TRO, the Court ordered the Defendants to show cause why a preliminary injunction should not issue. The Court further ordered that the Defendants file a "response in opposition to the issuance of a preliminary injunction" by June 9, 2008, and that Blackwater file "a reply" on or before June 12, 2008.

On June 9, 2008, Defendants filed a lengthy Response to Court's Order to Show Cause Regarding Preliminary Injunction that raises a number of new arguments.

Local Rule 7.1(h) states that "[b]rief or memoranda in support of or in opposition to all motions noticed for the same motion day shall not exceed twenty-five (25) pages in length for all such motions without leave of the judge who will hear the motion" and "[n]o reply memorandum shall exceed ten (10) pages without leave of the judge." Because the parties participated in a briefing cycle prior to the Court's ruling on Blackwater's TRO application, it is unclear whether Local Rule 7.1(h) applies. In case it does, however, Blackwater requests that it be permitted to file a 17-page reply memorandum so it can (1) fully respond to the City's new arguments, and (2) update the Court on new facts that are directly relevant to the issues.

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Accordingly, out of an abundance of caution, Blackwater hereby requests leave of Court to file a 17-page reply brief on June 12, 2008.

DATED: June 12, 2008

MAYER BROWN LLP
JOHN NADOLENCO
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